

24 March 2026

To: Electricity Authority

By email: levelplayingfield@ea.govt.nz

Non-discrimination obligations - Consultation paper submission

To whom it may concern,

Thank you for the opportunity to comment on the paper called 'Non-discrimination obligations: Retail Price Consistency Assessment, uncommitted capacity and other matters'. Zeale (formerly EVA Marketplace) has not had the opportunity to review the paper in full but we would like to make some high-level remarks.

Regarding "uncommitted capacity", Zeale agrees with the Electricity Authority's (EA's) preferred solution to remove this concept for the reasons outlined in our [previous submission](#). As the EA notes, this will require gentailers to "offer hedge contracts in response to all reasonable requests from third parties". To improve this solution, we believe there should also be an obligation to bid for (buy) hedge contracts. For a hedge market to be functional and effective, independent retailers, generators and traders need the ability to unwind long positions that may occur for unforeseeable reasons.

Once the non-discrimination obligations (NDOs) are in place, there is a risk the proposed Retail Price Consistency Assessment (RPCA) does not identify discriminatory behaviour and/or the consequences of non-compliance are insufficient for deterring such behaviour. As the EA notes, it is important "for the NDOs to have teeth". We recommend the EA undertake six-monthly reviews of the RPCA and NDO penalties alongside hedge market outcomes. If hedge market outcomes do not improve sufficiently in, say, 1-2 years post-implementation, Zeale supports further level playing field measures such as virtual disaggregation of the flexible generation base.

Please feel free to contact us if you have any questions.

Sincerely,

Paul Coster
Founder, [Zeale](#)